IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 1057 OF 2003

Shree Samarth Mitra Mandal
Through its Secretary ...Petitioner

V/s.

The State of Maharashtra & Ors. ...Respondents

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Mr. T.D. Joshi, Adv. for the petitioner

Mr. B.H. Mehta, A.P.P. for the State.

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CORAM: H.L. GOKHALE AND
SMT. V.K. TAHILRAMANI, JJ.

DATE : 16TH AUGUST, 2004

P.C..

1. Heard Mr. Joshi for the petitioner. Mr. Mehta appears for the State.

2. The petitioner is a social organisation conducting indoor games in their premises. They apprehended high handed actions from the concerned police in Kolhapur and therefore, filed this petition. It is submitted on behalf of the petitioner that it is only the game of Rummy or cards which is being played at that place and no gambling is being resorted hence no permission is required for this kind of activities. In support of this contention, reliance is placed on the order dated 25.11.2002 passed in Criminal Writ petition No.4014 of 2002. The petitioner prays that they

should be permitted to continue to engage in their activities peacefully and without any disturbances.

3. In the present case an affidavit dated 21.7.2004 has been filed by an Inspector attached to the concerned police station, Kolhapur. In the said affidavit in para 5, it is stated that no illegal or unlawful activities were being run in the said premises and only playing of the games of carom, cards and chess were seen to be conducted over there. In these state of affairs, we accept the submissions made on behalf of the petitioner and direct the respondent to permit the petitioner to conduct their activities and games without any hindrance and without any harassment whatsoever. Needless to say that in the event the respondent notice any illegal action on the part of the petitioner, it will be open to the respondent to take action in accordance with the law.

4. With the above directions, this petition is disposed of.